IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09/08/2004

CORAM

THE HONOURABLE MR.JUSTICE A.K.RAJAN

W.P.NO. 12980 OF 1998

K.S.Chakkaravarthy .. Petitioner

-Vs-

Tamil Nadu Civil Supplies
Corpn.Ltd., rep. by its
Regional Manager,
Tiruvannamalai Region,
Tiruvannamalai. .. Respondent

Writ Petition filed under Article 226 of the Constitution of
India praying to issue a Writ of Certiorari as stated therein.

For petitioner : Mr.S.Venkataraman
For respondents : Mr.V.Perumal

:ORDER
This writ petition has been filed by the petitioner praying to issue a writ of certiorari calling for the records relating to the Additional charge Memorandum Rc.E4/1802/98 dated 10.8.98 of the respondent herein and quash the same.

2. Heard the learned counsel for both.

3. This writ petition has been filed to quash the Additional Charges framed by the respondent against the petitioner. Petitioner was working in the Civil Supplies Corporation, the respondent herein and he was suspended from service on 17.3.1998 contemplating enquiry into certain grave irregularities. The petitioner gave his explanation denying the charges. The enquiry officer after holding the enquiry found the charges as not proved. The disciplinary authority accepted the same. But the disciplinary authority has required the petitioner's further explanation. The petitioner gave his further explanation on 12.5.1998 requesting the disciplinary authority to accept the findings of the enquiry officer and to drop the charges and to reinstate him in service with all consequential benefits. In the meanwhile, the respondent has issued Additional Charge memorandum dated 10.8.1998 in respect of the very same allegations. Hence this writ petition.

4. The petitioner has obtained an order of interim stay of operation of the additional charge memorandum Rc.E4/1802/98 dated 10.8.1998 of the respondent herein on 25.8.1998 made in W.P.M.P.No.19744 of 1998 by this Court and the same was made absolute by this Court by the order dated 26.12.2002.

5. It is admitted that Subsequently, the respondent has regularised the period of suspension of the petitioner as duty period. It is also admitted that the petitioner was permitted to retire from service on his superannuation on 30.6.2003. While permitting the petitioner to retire from service the respondent has passed an order to the effect that the petitioner has been permitted to retire from service on the A.N. of 30.6.2003 without prejudice to the pending disciplinary proceedings and writ petition. There is no provision enabling the respondent to pass such an order while permitting a person to retire from service without prejudice to the pending disciplinary proceedings. The only provision that is available to the respondent is Regulation 13 of the Tamil Nadu Civil Supplies Corporation Ltd., Employees Service Regulations 1989, whereby the employee under suspension on disciplinary proceedings "should not be permitted to retire and he should be retained in service until the final orders are passed in the disciplinary proceedings" by the competent authority. In this case since the petitioner has been permitted to retire from service, no disciplinary proceedings can be continued much less framing of additional charges against the petitioner. Hence, the additional charges framed by the respondent against the petitioner in Rc.E4/1802/98 dated 10.8.1998 is liable to be quashed and the same is ordered accordingly.
In the result, this writ petition succeeds and the same is allowed as prayed for. No costs.

gr.

To
The Regional Manager,
Tamil Nadu Civil Supplies
Corpn.Ltd.,
Tiruvannamalai Region,
Tiruvannamalai.